

IN THE DRAWINGS

Corrected drawings are supplied herewith. Enclosed is a Replacement Sheet showing the following amendment to Figure 15. The reference numerals on the left side of the drawing have been completed, as required by the Office Action.

REMARKS

This responds to the Office Action mailed on September 15, 2005.

Claim 1 has been amended, no claims were canceled, and no claims were added; as a result, claims 1-10 remain pending in this application. Claim 1 has been amended as follows:

1. (Amended Once) A method for making a safety sign with EL lighting, comprising: obtaining an EL element that includes a base and an EL portion adhered to the base with power source; applying a pattern layer over the EL portion, the pattern layer comprising safety indicia; and applying a tinting layer over the pattern layer, further wherein the EL portion is a first color in a non-illuminated condition, and a second color in an illuminated condition, and wherein the tinting layer is tinted so that when the EL portion is non-illuminated the tinting causes the safety sign to produce a first color different than the color of the EL portion in the non-illuminated condition, and so that when the EL portion is illuminated the tinting causes the safety sign to produce a second color different than the first color and different than the color of the EL portion in the illuminated condition.

Priority Claim

The Office Action objected to Applicants' priority claim as listed on the Declaration that was filed together with the application. Applicant has amended the specification herein to include the claim of priority to U.S. Serial No. 10/645,873. Applicants' priority claim was recognized by the Office as shown by its inclusion on the first filing receipt, and as such Applicants believe that the amendment to the specification is sufficient, and that no further action is required.

Declaration and Power of Attorney

A new oath or declaration was required in compliance with 37 C.F.R. 1.67(a). A newly executed Declaration (and Power of Attorney) identifying this application by application number and filing date was filed on December 9, 2005, a copy of which accompanies this response.

Objection to the Drawings

The drawings were objected to as having incomplete reference numbers in Figure 15. The reference numerals have been corrected on the Replacement drawing sheets submitted herewith.

Objections to the Specification

The specification was objected to due to typographical and grammatical errors. The specification is amended herein as requested by the Examiner.

§102 Rejection of the Claims

Claims 1-3, 6-7, and 10 were rejected under 35 U.S.C. § 102(b) for anticipation by Hoffman (U.S. 5,339,550). As noted above, claim 1 has been amended to clearly differentiate Hoffman. In particular, claim 1 now recites: “further wherein the EL portion is a first color in a non-illuminated condition, and a second color in an illuminated condition, and wherein the tinting layer is tinted so that when the EL portion is non-illuminated the tinting causes the safety sign to produce a first color different than the color of the EL portion in the non-illuminated condition, and so that when the EL portion is illuminated the tinting causes the safety sign to produce a second color different than the first color and different than the color of the EL portion in the illuminated condition.”

One particular embodiment of this inventive subject matter described on page 8 of the Applicants' specification provides that an EL lighting surface is included that is white in a non-illuminated condition, and blue-green in an illuminated condition. In one embodiment, a yellow tinted layer is further included so that it provides a yellow appearance in the day, with a light green appearance at night.

The amended claim 1, and claims 2, 3, 6-7 and 10, clearly differentiates over Hoffman. Hoffman does not teach a method of making an EL sign using a combination of non-illuminated and illuminated colors of the EL together with a tinting layer so that a first color is achieved during the day, for example, when the EL is not illuminated, and another color at night, for example, when the EL is illuminated. This configuration is advantageous for safety applications where a first color, for example a safety color like yellow or orange is visible in the daylight, and another color, such as green or another color is visible at night when the EL portion is illuminated.

§103 Rejection of the Claims

Claims 4-5 and 8-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoffman. Amended claim 1, as described above, distinguishes over Hoffman, which does not teach “the EL portion is a first color in a non-illuminated condition, and a second color in an illuminated condition, and wherein the tinting layer is tinted so that when the EL portion is non-illuminated the tinting causes the safety sign to produce a first color different than the color of the EL portion in the non-illuminated condition, and so that when the EL portion is illuminated the tinting causes the safety sign to produce a second color different than the first color and different than the color of the EL portion in the illuminated condition.” Accordingly, claims 2-5 and 8-9 are also patentable over Hoffman for the same reason, as there is no motivation in Hoffman for one of ordinary skill in the art to make an EL sign of such a kind. In fact, Hoffman does not suggest the desirability of having an EL sign of one color in a non-illuminated condition, such as may be the case during the day, and of another color at night, in an illuminated condition.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6976 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

AARON GOLLE ET AL.

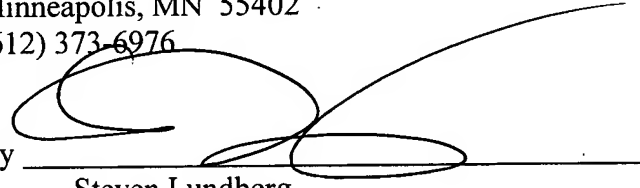
By their Representatives,

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3/15/2006

By



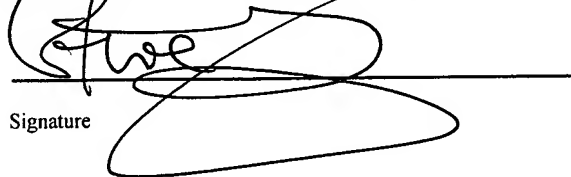
Steven Lundberg
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 15 day of March, 2006.

Name

STEVEN LUNDBERG

Signature



APPLICATION BODY REPLACEMENT SHEET

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